



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

FIA ACTION TRANSMITTAL

Control Number 15- 11

Effective Date: October 1, 2014

Issuance Date: November 5, 2014

**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF**

FROM: ROSEMARY MALONE, EXECUTIVE DIRECTOR

**RE: NEW REQUIREMENTS FOR ELECTRONIC BENEFITS TRANSFERS
(EBT)**

PROGRAM AFFECTED: TEMPORARY CASH ASSISTANCE (TCA)

ORIGINATING OFFICE: OFFICE OF PROGRAMS

Summary:

The Middle Class Tax Relief and Job Creation Act enacted on February 22, 2012, contains provisions requiring states to block the use of EBT cards containing Federal Temporary Assistance to Needy Families (TANF, our TCA program) funds at establishments whose primary purpose is gambling (casinos), selling liquor (liquor or package good stores) or where adults take their clothes off to entertain (strip clubs). In this action transmittal we provide the steps we must take to prevent the use of EBT cards in these prohibited establishments.

Action Required:

Beginning October 1, 2014, customers receiving cash assistance must sign a statement agreeing not to use their EBT card with TCA on it at the prohibited locations. The statement also provides the penalties for using the card at the prohibited locations.

The prohibition of use of the card with TCA funds on it in casinos extends to the automated teller machines (ATMs on site), point of sale purchases such as in the gift shops, restaurants and clothing stores, etc. located at the casino. Customers may not make any purchases at liquor stores or package good stores even to make purchase such as sodas or candy or chips. No purchases may be made at an adult entertainment establishment.

[NOTE: Xerox, FIA and EBT staff will complete a random sample of the EBT cash files to determine if customers used their EBT card at a prohibited location.

If a "hit" is found, we will notify the local department to send a warning notice to the customer. The warning notice advises the customer that the access to their cash

benefits is in danger of being revoked. The discovery of a subsequent use at a prohibited establishment will result in the access to cash benefits being revoked for one year. A third instance will result in the EBT access to cash benefits being revoked permanently.

Customers whose access to cash benefits has been revoked must provide the case manager or EBT checking or savings account information for direct deposit. Any customer not providing bank account information will be mailed a paper check.]

Local Department Responsibilities

1. At application or redetermination, advise the customer of the prohibition against using their EBT card with TCA benefits on it at one of the prohibited locations. Have them sign the acknowledgement form (DHR/FIA EBT 7001-A).
2. Scan the signed form into ECMS
3. If the customer is found to have used their EBT card to access cash at one of the prohibited locations, the first time, send the customer a warning letter (DHR/FIA EBT 7001-B).
4. The second time a customer is non-compliant with the prohibition:
 - Follow the EBT/CARES steps below. The cash access by EBT card is revoked for one year.
 - Send the customer the second notice.
 - Request bank information from the customer to put the customer on direct deposit into their bank account.
 - If bank information is not received, code CARES so the customer receives a paper check.

Food Supplement Benefits are not affected by the prohibition. Do not make any changes to the FSP EBT access.

The third time the customer is in violation, the cash access for EBT is revoked permanently.

- Follow the EBT/CARES steps below. The cash access on the EBT card is revoked permanently.
- Send the customer the third notice.
- Request bank information to put the customer on direct deposit into their bank account.
- If bank information is not received, code CARES so the customer receives a paper check.

CARES and EBT procedures

The CARES steps are as follows:

For the first violation, there is no change to CARES.

For a second violation, on the head of household CARES STAT screen change BEBT to BCHK.

If there is a third violation, change BEBT to BCHK and EBT staff will turn off cash access in EPPIC.

INQUIRY

Month 03 06

ASSISTANCE STATUS - STAT

RTAH80 12 29 05

STAT 01

AU ID [REDACTED] Prog AF Prog Type R Med Cvrgr Grp F01 GD Part N

DO 342 EW ID RTAH80 Conversion Date Issuance Method BEBT

React N Two Parent N MOE Reason Codes EI DHMH REF.

AU AU Status AU Stat Appl Begin Pd Thru ---Penalty--- Appe

Stat Reasons Date Date Date Date Type End Date CAP Ind

A 122905 110105 110105 N

First Name	Last Name	Rel V	Finl Resp	--Stat--	Rsn	Appl Date	Begin Date	Pd Thru Date	St	Penalty Type
BROOK	SHI	SE OT	RE	A	122905	110105	110105	110105	MA	
SHANE	SHI	CH OT	RE	A	122905	110105	110105	110105	MA	

Message

17-mo< 18-mo> 23-a7au

4B :00.6 01/71

Connected to host: hisc2.dhr [10.1.1.195] (500FT147) Keys: 2857 Saved: 0000 NUM 10:15 AM

Change this field to BCHK when the customer has 2 or more violations.

Lost or stolen TCA benefits when TCA benefit access is revoked.

Cash benefits on direct deposit **may not** be replaced if the customer reports a loss or theft.

Paper checks reported lost or stolen **may be replaced one time**. If the customer reports that the check was not received or it was stolen, the customer must report the theft to the police department and provide a police report to the case manager before replacement can be made.

Forms:

A sample of the **Electronic Benefits Card (EBT) Prohibited Uses form (DHR/FIA7001A)** and the **Notification of EBT Access Violation (DHR/FIA 7001B)** are **attached** and will be available on FIPNET under On-line Forms. Local Departments will be able to order it through their normal ordering procedures within a few weeks.

Inquiries:

Please direct TCA policy questions to Fatmata Khella, at 410-767-7956 or fatmata.khella@maryland.gov.

cc:	DHR Executive Staff	FIA Management Staff
	Policy, Research and Training Staff	Constituent Services
	DHR Help Desk	

FAMILY INVESTMENT ADMINISTRATION

Department of Social Services
Notification of EBT Access Violation

DATE: _____

Customer's Name

On _____, you signed the acknowledgement form stating that you understood the requirement prohibiting you from using your Independence Card (Electronic Benefits Card (EBT) to access Temporary Cash Assistance (TCA) benefits in a liquor store, gambling establishment like a casino, or for adult entertainment such as a strip club.

A review of our EBT files shows that your Independence Card was used on _____ at _____ in violation of Federal and State law.

_____ **This your first violation.** This letter is a warning and a reminder of the requirement against using your Independence Card at a prohibited location. A second violation will result in your access to Temporary Cash Assistance (TCA) cash benefits by using your EBT card being revoked.

_____ This is your **second violation**. This letter advises you that use of your Independence Card to access Temporary Cash Assistance (TCA) is revoked as of _____. To continue access to your TCA benefit, you must submit bank checking or savings account information to _____

If you are unable to provide checking or savings account information, you will be mailed a paper check. Access to TCA benefits through your Independence Card is **restricted for one year** until _____. At that time, you must advise your case manager if you wish to begin use of the Independence Card for accessing your cash assistance again.

_____ This is your **third violation**. This notice advises you that use of your Independence Card to access Temporary Cash Assistance (TCA) is **permanently revoked** as of _____.

To continue access to your TCA benefit, you must submit bank checking or savings account information to _____

If you are unable to provide checking or savings account information, you will be mailed a paper check.

If you have any questions, please contact me at _____. You have the right to a fair hearing if you disagree with this action. How to request a Fair Hearing is on the back of this letter. These actions are required by PL112-96 Sec.4004© and COMAR 07.03.03.16.

Sincerely,

Fair Hearing information is listed on the back of this notice

programs, activities, education and employment for individuals with disabilities. If you need assistance or need to request a reasonable accommodation, please contact your case manager or call 1-800-332-6347.

Fair Hearings

HOW TO HAVE A HEARING IF YOU THINK WE ARE WRONG

What do I do if I think your decision is wrong?

- Call the telephone number on the other side of this notice to ask for a conference.
- Request a hearing by:
 - * Calling 1-800-332-6347 or the telephone number on the other side of this notice and requesting a hearing; or
 - * Visiting your local department office and requesting a hearing; or
 - * Mailing or giving a request for a hearing in writing to your local department office.
- If you don't want to fill out the form, come to your local office. We will help you. Call your case manager or call 1-800-332-6347.

How long do I have to request a hearing?

- You must ask for a hearing no later than 90 days after the date of the first notice

How can I still get my benefits while I wait for my hearing?

- If you ask for a hearing no later than 10 days after the date of the notice and you were getting benefits, you can get your benefits while you wait, unless your benefit period ends.

Will I owe any money if I get my benefits while I wait?

- Yes, if the judge agrees with us and you lose your appeal, you may have to pay back benefits.

When and where will the hearing be?

- The Office of Administrative Hearings will send you a notice telling you the time and place of your hearing.

Do I have to come to the hearing?

- Yes, you will lose if you do not come. If you can't come, tell the Office of Administrative Hearings and they will reschedule your hearing.

Can I bring someone to help me or speak for me?

- You can bring a lawyer, friend or relative. If you want free legal help, call your local office or call Legal Aid at 1-800-999-8904.

How can I prepare for the hearing?

- You can see your file, including your computer file, at your local office and talk with us about this decision.

Please call to make an appointment. We will send you our reasons for the decision you are appealing at least 6 days before your hearing.

COMO SOLICITAR UNA AUDIENCIA SI USTED PIENSA QUE NOS HEMOS EQUIVOCADO

Que debo hacer si creo que su decision esta equivocada?

- Llame al numero telefonico que se encuentra al reverso de este aviso para solicitar una conferencia.
- Solicite una audiencia de la siguiente forma:
 - * Llámame al 1-800-332-6347 o al número que aparece al reverso de este aviso.
 - * Visitando su oficina local departamental Enviando por correo o solicitando por escrito una audiencia a su oficina local departamental,
- Si usted no desea llenar el formulario Vaya a su oficina local. Nosotros lo ayudaremos. Llame a su encargado de Caso o llame al 1-800-332-6347.

Cuanto tiempo tengo para solicitar una audiencia?

- Usted debe solicitar una audiencia dentro de los 90 días después de recibir este aviso.

Como puedo seguir recibiendo mis beneficios mientras espero mi audiencia?

- Si usted solicita audiencia dentro de los 10 días después de haber recibido el aviso y usted ha estado recibiendo beneficios, usted puede recibir sus beneficios mientras espera, a no ser que el período de vigencia de estos termine.

Tendré que reembolsar algún dinero si recibo beneficios mientras espero una respuesta?

- Sí, si el juez está de acuerdo con nosotros y usted pierde su apelación, usted deberá devolver los beneficios recibidos.

Cuando y donde será la audiencia?

- La Oficina Administrativa de Audiencias le enviará un aviso indicando la hora y el lugar para su audiencia.

Tengo que asistir a la audiencia?

- Sí, usted pierde el caso si no se presenta. Si no puedo asistir, avise a la Oficina Administrativa de Audiencias para que le den una nueva cita.

Puedo traer a alguien que me ayude o hable por mí?

- Usted puede traer a un abogado, amigo, o pariente. Si usted necesita ayuda legal, comuníquese con nuestra oficina local o llame a Ayuda Legal al 1-800-999-8904

Como me preparo para la audiencia?

- Usted puede ver su record, incluso su record computarizado en su oficina local y hablar con nosotros acerca de esta decisión.

- Usted puede ver su record, incluso su record computarizado en su oficina local y hablar con nosotros acerca de esta decisión. Por favor llámenos para hacer una cita. Nosotros le enviaremos las razones que tenemos para tomar las decisiones por las cuales usted está apelando, por lo menos 6 días antes de su audiencia.

**FAMILY INVESTMENT ADMINISTRATION
ELECTRONIC BENEFITS TRANSFER CARD (EBT)
PROHIBITED USES**

Applicants and recipients for Temporary Cash Assistance (TCA) must sign a statement that they understand it is illegal to use an electronic benefits transfer or EBT card at a liquor store, adult entertainment (such as a strip club) or gambling casino for any purpose. In Maryland, your cash assistance and Food Supplement benefits EBT card, is called the Independence Card. Federal law requires that Maryland review where EBT cards are used to ensure the cards are not being used in prohibited places.

By signing this form, you are agreeing that you understand:

- Recipients are warned that they are in danger of losing the use of their EBT card (Independence Card) to access cash benefits after the first time they use their card in a prohibited location-liquor store, gambling casino or adult entertainment venue.
- Your use of the Independence Card to access cash benefits may be revoked for one year after a second violation of the law.
- Your use of the Independence Card to access cash benefits may be permanently revoked after a third violation of the law.
- Recipients who lose use of the Independence Card to access their cash benefits must provide checking or savings account information to Family Investment or EBT staff for direct deposit of their assistance benefits.
- Recipients who are not able to obtain a checking or savings account at a recognized financial institution may have a paper check mailed to them.
- Cash benefits issued through direct deposit that are lost or stolen may not be replaced.
- Cash benefits issued by paper check may not be replaced without a police report and are only replaced following the guidelines in COMAR 07.03.03.16.

By signing this statement, you agree that you understand the requirements of the law and understand that if you are approved for Temporary Cash Assistance (TCA) you may not use your EBT/Independence Card to access cash benefits or make purchases in a bar or liquor store, adult entertainment such as a strip club or gambling establishment, including a casino, for any purpose and that you understand the penalty if you do. These requirements are covered under PL112-96 Sec.4004(c) and COMAR 07.03.03.16.

Customer Printed Name _____ Date _____

Customer Signature _____

Witness Signature _____ Witness Printed Name _____
Date _____

Fair Hearing information is listed on the back of this notice

The Family Investment Administration is committed to providing access, and reasonable accommodation in its services, programs, activities, education and employment for individuals with disabilities. If you need assistance or need to request a reasonable accommodation, please contact your case manager or call 1-800-332-6347.

Fair Hearings

HOW TO HAVE A HEARING IF YOU THINK WE ARE WRONG

What do I do if I think your decision is wrong?

- Call the telephone number on the other side of this notice to ask for a conference.
- Request a hearing by:
 - * Calling 1-800-332-6347 or the telephone number on the other side of this notice and requesting a hearing; or
 - * Visiting your local department office and requesting a hearing; or
 - * Mailing or giving a request for a hearing in writing to your local department office.
- If you don't want to fill out the form, come to your local office. We will help you. Call your case manager or call 1-800-332-6347.

How long do I have to request a hearing?

- You must ask for a hearing no later than 90 days after the date of the first notice

How can I still get my benefits while I wait for my hearing?

- If you ask for a hearing no later than 10 days after the date of the notice and you were getting benefits, you can get your benefits while you wait, unless your benefit period ends.

Will I owe any money if I get my benefits while I wait?

- Yes, if the judge agrees with us and you lose your appeal, you may have to pay back benefits.

When and where will the hearing be?

- The Office of Administrative Hearings will send you a notice telling you the time and place of your hearing.

Do I have to come to the hearing?

- Yes, you will lose if you do not come. If you can't come, tell the Office of Administrative Hearings and they will reschedule your hearing.

Can I bring someone to help me or speak for me?

- You can bring a lawyer, friend or relative. If you want free legal help, call your local office or call Legal Aid at 1-800-999-8904.

How can I prepare for the hearing?

- You can see your file, including your computer file, at your local office and talk with us about this decision.

Please call to make an appointment. We will send you our reasons for the decision you are appealing at least 6 days before your hearing.

COMO SOLICITAR UNA AUDIENCIA SI USTED PIENSA QUE NOS HEMOS EQUIVOCADO

Que debo hacer si creo que su decision esta equivocada?

- Llame al numero telefonico que se encuentra al reverso de este aviso para solicitar una conferencia.
- Solicite una audiencia de la siguiente forma:
 - * Llámame al 1-800-332-6347 o al número que aparece al reverso de este aviso.
 - * Visitando su oficina local departamental Enviando por correo o solicitando por escrito una audiencia a su oficina local departamental,
- Si usted no desea llenar el formulario Vaya a su oficina local. Nosotros lo ayudaremos. Llame a su encargado de Caso o llame al 1-800-332-6347.

Cuanto tiempo tengo para solicitar una audiencia?

- Usted debe solicitar una audiencia dentro de los 90 días después de recibir este aviso.

Como puedo seguir recibiendo mis beneficios mientras espero mi audiencia?

- Si usted solicita audiencia dentro de los 10 días después de haber recibido el aviso y usted ha estado recibiendo beneficios, usted puede recibir sus beneficios mientras espera, a no ser que el período de vigencia de estos termine.

Tendré que reembolsar algún dinero si recibo beneficios mientras espero una respuesta?

- Sí, si el juez está de acuerdo con nosotros y usted pierde su apelación, usted deberá devolver los beneficios recibidos.

Cuando y donde será la audiencia?

- La Oficina Administrativa de Audiencias le enviará un aviso indicando la hora y el lugar para su audiencia.

Tengo que asistir a la audiencia?

- Sí, usted pierde el caso si no se presenta. Si no puedo asistir, avise a la Oficina Administrativa de Audiencias para que le den una nueva cita.

Puedo traer a alguien que me ayude o hable por mí?

- Usted puede traer a un abogado, amigo, o pariente. Si usted necesita ayuda legal, comuníquese con nuestra oficina local o llame a Ayuda Legal al 1-800-999-8904

Cómo me preparo para la audiencia?

- Usted puede ver su record, incluso su record computarizado en su oficina local y hablar con nosotros acerca de esta decisión.
- Usted puede ver su record, incluso su record computarizado en su oficina local y hablar con nosotros acerca de esta decisión. Por favor llámenos para hacer una cita. Nosotros le enviaremos las razones que tenemos para tomar las decisiones por las cuales usted está apelando, por lo menos 6 días antes de su audiencia.